

## **IC 31-19-25**

Chapter 25. Release of Identifying Information for Adoptions Filed After December 31, 1993; Requests for Information Concerning Pre-Adoptive Siblings

### **IC 31-19-25-1**

#### **Application of chapter**

Sec. 1. This chapter applies to adoptions that are filed after December 31, 1993.

*As added by P.L.1-1997, SEC.11.*

### **IC 31-19-25-2**

#### **Access to information by adoptee**

Sec. 2. (a) An adoptee who is at least twenty-one (21) years of age may request identifying information by submitting a written request to the state registrar.

(b) Except as provided in sections 3 through 10 of this chapter, upon a request for the release of identifying information under subsection (a):

- (1) the state registrar;
- (2) the division of family and children;
- (3) a county office of family and children;
- (4) a licensed child placing agency;
- (5) a professional health care provider (as defined in IC 34-6-2-117);
- (6) the attorney who arranged the adoption; and
- (7) a court;

shall release identifying information in the possession of the registrar, agency, professional health care provider, or court to an adoptee.

*As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.165.*

### **IC 31-19-25-3**

#### **Nonrelease form; filing; duration; renewal; withdrawal**

Sec. 3. (a) An adoptee's birth parent may restrict access to identifying information concerning the birth parent by filing a written nonrelease form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information under this section.

(b) The following persons may not release any identifying information concerning the birth parent to the adoptee if a nonrelease form is in effect at the time of the request for identifying information:

- (1) The state registrar.
  - (2) The division of family and children.
  - (3) A county office of family and children.
  - (4) A licensed child placing agency.
  - (5) A professional health care provider.
  - (6) A court.
- (c) The nonrelease form filed under this section:

- (1) remains in effect during the period indicated by the person submitting the form;
- (2) is renewable; and
- (3) may be withdrawn at any time by the person who submitted the form.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-4**

##### **Nonrelease form; contents**

Sec. 4. The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying information is to remain in effect for the time indicated by the birth parent. The form must:

- (1) contain a space in which the birth parent may check "yes" or "no" concerning whether the person submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and
- (2) indicate that the birth parent may choose to prevent the nonrelease form from lapsing.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-5**

##### **Notice before lapse of nonrelease form**

Sec. 5. Except as provided under section 4 of this chapter, the state registrar shall mail a notice to a birth parent who submits a nonrelease form under section 3 of this chapter within ninety (90) days before the birth parent's nonrelease form lapses. The notice:

- (1) shall be mailed to the most recent address of the birth parent that has been supplied to the state registrar; and
- (2) must indicate:
  - (A) the date upon which the form is to lapse; and
  - (B) that the nonrelease form is renewable.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-6**

##### **Request to be reunited with pre-adoptive sibling**

Sec. 6. An adoptee who is at least twenty-one (21) years of age or a pre-adoptive sibling who is at least twenty-one (21) years of age may submit a written request to the state registrar:

- (1) stating an interest in being reunited with any pre-adoptive siblings; and
- (2) authorizing the state registrar to release the name and present location of the person submitting the request to any pre-adoptive siblings who make similar inquiries.

*As added by P.L.1-1997, SEC.11.*

### **IC 31-19-25-7**

#### **Release of information concerning pre-adoptive siblings**

Sec. 7. (a) If:

- (1) an adoptee who is at least twenty-one (21) years of age; or
- (2) a pre-adoptive sibling who is at least twenty-one (21) years of age;

expresses a desire to be reunited with a pre-adoptive sibling under section 6 of this chapter, the state registrar shall determine whether the requesting person's pre-adoptive sibling has made a similar inquiry.

(b) If the pre-adoptive sibling has previously authorized a release of information concerning the sibling's identity under section 6 of this chapter, the state registrar shall release the pre-adoptive sibling's name and present location to each requesting person.

*As added by P.L.1-1997, SEC.11.*

### **IC 31-19-25-8**

#### **Duties of registrar following request to be reunited with pre-adoptive sibling**

Sec. 8. (a) If an adoptee who is at least twenty-one (21) years of age or a pre-adoptive sibling who is at least twenty-one (21) years of age submits a written request to be reunited with a pre-adoptive sibling under section 6 of this chapter but the pre-adoptive sibling has not made a similar inquiry, the state registrar shall:

- (1) search the sealed adoption records for information concerning the pre-adoptive sibling; and
- (2) if possible, contact and advise the sibling of the request unless the sibling is less than twenty-one (21) years of age.

(b) If the state registrar locates a sibling who is at least twenty-one (21) years of age, the contacted sibling shall make the final decision as to whether to release the sibling's name and present location to the requesting person.

(c) If the state registrar locates a sibling who is less than twenty-one (21) years of age, the state registrar shall contact the:

- (1) sibling's birth parents if the sibling has not been adopted; or
  - (2) sibling's adoptive parents if the sibling has been adopted;
- for the final determination regarding release of the sibling's name and present location to the requesting person.

(d) The state registrar shall notify the requesting person whenever a sibling has been located, but may not release information about the sibling's identity or present location without authorization under this section.

(e) If the sibling is deceased or cannot be identified or located under this section, the state registrar shall notify the requesting party, but may not release any information that would tend to identify the sibling.

(f) In an attempt to discover the identity and present location of a pre-adoptive sibling, the state registrar shall receive, upon request, any available adoptive information regarding the sibling's identity or location that is in the possession of any of the following:

- (1) The state division of vital records.
- (2) The county office of family and children.
- (3) A licensed child placing agency.
- (4) A professional health care provider (as defined in IC 34-6-2-117).

*As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.166.*

#### **IC 31-19-25-9**

##### **Request by adoptive parents for information concerning pre-adoptive siblings**

Sec. 9. (a) The adoptive parents of an adoptee who is less than twenty-one (21) years of age may submit a written request for information concerning the identity and present location of any pre-adoptive siblings of the adoptee.

(b) The state registrar shall release information concerning the name and present location of the pre-adoptive sibling to the adoptive parents if the pre-adoptive sibling submitted a written request authorizing the release of the information under section 6 of this chapter.

(c) If a mutual inquiry has not been made under section 6 of this chapter, the state registrar shall do the following:

- (1) Perform the duties described by section 8 of this chapter.
- (2) Release information to the adoptive parents only to the extent that information may be released to a requesting person under section 8 of this chapter.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-10**

##### **Withdrawal of request or consent**

Sec. 10. A request or consent submitted under section 6, 8, or 9 of this chapter may be withdrawn in a signed writing.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-11**

##### **Storage and indexing of requests and nonrelease forms**

Sec. 11. The state registrar shall provide for the storage and indexing of requests and nonrelease forms under this chapter.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-12**

##### **Errors in execution of forms**

Sec. 12. The state registrar may contact a person who submits a request form or nonrelease form that is incorrectly or incompletely executed to inform the person regarding the error in the execution of the form.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-13**

##### **Fee for expenses**

Sec. 13. (a) The following persons may charge a reasonable fee

for actual expenses incurred in complying with this chapter:

- (1) A licensed child placing agency.
- (2) The court.
- (3) The division of family and children.
- (4) A county office of family and children.
- (5) A professional health care provider.
- (6) The state department of health, except as provided in subsection (b).

(b) The state department of health may not charge a fee for filing a nonrelease form under this chapter.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-25-14**

##### **Rules; forms**

Sec. 14. The state registrar:

- (1) may adopt rules under IC 4-22-2; and
- (2) shall prescribe any forms necessary;

to implement this chapter.

*As added by P.L.1-1997, SEC.11.*